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SENATE BILL 167

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

William E. Sharer

AN ACT

RELATING TO FIREARMS; ALLOWING CONCEALED HANDGUNS IN AN ESTABLISHMENT THAT SELLS ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE PREMISES AND THAT DERIVES NO MORE THAN FIFTY PERCENT OF ITS ANNUAL GROSS RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES; REQUIRING POSTING OF NOTICE PROHIBITING FIREARMS IN ALL OTHER LIQUOR ESTABLISHMENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-7-3 NMSA 1978 (being Laws 1975, Chapter 149, Section 1, as amended) is amended to read:

"30-7-3. UNLAWFUL CARRYING OF A FIREARM IN LICENSED LIQUOR ESTABLISHMENTS.--

A. Unlawful carrying of a firearm in an establishment licensed to dispense alcoholic beverages consists of carrying a loaded or unloaded firearm on any premises

underscored material = new
[bracketed material] = delete

underscored material = new
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1 licensed by the regulation and licensing department for the
2 dispensing of alcoholic beverages except:

3 (1) by a law enforcement officer in the lawful
4 discharge of [~~his~~] the officer's duties;

5 (2) by the owner, lessee, tenant or operator
6 of the licensed premises or [~~his~~] the owner's, lessee's,
7 tenant's or operator's agents, including privately employed
8 security personnel during the performance of their duties;

9 (3) by a person carrying a concealed handgun
10 and in possession of a valid concealed handgun license for that
11 gun pursuant to the Concealed Handgun Carry Act; provided that
12 the licensed establishment does not sell alcoholic beverages
13 for consumption on the premises and derives no more than fifty
14 percent of its annual gross receipts from the sale of alcoholic
15 beverages;

16 [~~(3)~~] (4) by a person in that area of the
17 licensed premises usually and primarily rented on a daily or
18 short-term basis for sleeping or residential occupancy,
19 including hotel or motel rooms;

20 [~~(4)~~] (5) by a person on that area of a
21 licensed premises primarily [~~utilized~~] used for vehicular
22 traffic or parking; or

23 [~~(5)~~] (6) for the purpose of temporary
24 display, provided that the firearm is:

25 (a) made completely inoperative before

.163448.1

underscored material = new
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1 it is carried onto the licensed premises and remains
2 inoperative while it is on the licensed premises; and

3 (b) under the control of the licensee or
4 an agent of the licensee while the firearm is on the licensed
5 premises.

6 B. Whoever commits unlawful carrying of a firearm
7 in an establishment licensed to dispense alcoholic beverages is
8 guilty of a fourth degree felony."

9 Section 2. A new section of the Liquor Control Act is
10 enacted to read:

11 "[NEW MATERIAL] NOTICE--NO FIREARMS.--A licensee that
12 sells alcoholic beverages for consumption on the licensed
13 premises or that derives more than fifty percent of its annual
14 gross receipts from the sale of alcoholic beverages shall
15 display a poster in full public view at every entrance of the
16 licensed premises giving notice that the law prohibits the
17 carrying of a firearm on the premises. The director shall
18 prescribe the form and size of the poster and shall make it
19 available to all licensees."

20 Section 3. EFFECTIVE DATE.--The effective date of the
21 provisions of this act is July 1, 2007.